

ORIGINAL

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08/26/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0083

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AUG 26 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

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IN THE SUPREME COURT OF THE STATE OF MONTANA

CAUSE # DA-25-000083

JESSICA ZIMMERMAN

Petitioner / Appellee

V

CHRISTOPHER WARDLE

Respondent / Appellant

Pro Se

APPELLANT'S REPLY TO

APPELLEE'S RESPONSE

BRIEF AND MOTION TO

STRIKE UNDER RULE 12

**APPELLANT'S REPLY TO
APPELLEE'S RESPONSE BRIEF
AND MOTION TO STRIKE UNDER RULE 12**

Now comes Christopher Wardle Pro Se with Appellant's Reply to Appellee's Response Brief.

Appellant submits that Appellee, in her Response Brief, has failed to bring forth any argument of factual issues, any conclusions of law arguments and no defenses that debate the abuse of the judicial discretion. Appellant moves the Court to Strike Appellee's Response Brief under Rule 12 (4) for Insufficient Process. Appellee has not provided a copy and Appellant had to request one from the Supreme Court Clerk's office to Reply to Appellee's Response. Rule 12. It is appropriate to strike her Response Brief because 1) Appellee has failed to meet any sufficient defenses under Rule 12(5) and 2) under Rule 12(f) as Appellee has continued her continuing slur of disgusting, false and unevenced, scandalous accusations. Appellee has continued to sling such slanderous slurs since Appellant's filing of DV-2024-674, his civil suit in Gallatin County's Eighteenth Judicial District Court as testified in the October 7, 2024 Protective Order hearing. Appellant testified he has no history of any convictions of violence towards women and no claims of such until entering the Sorensen / Baker family. Appellant had not even had a traffic conviction in 34 years. Appellant puts forth that once again Appellee is perjuring herself in her Response Brief, by stating she was a friend of Appellant's deceased wife. Appellant testified on October 7, 2024 that this is factually false and Appellee could offer no evidence or details, times, locations or communications with Appellant's wife on cross examination. Once again Appellee attempts to bypass testimony and evidence in hopes that slandering Appellant will be considered evidence enough to deny his appeal. This has also been her tactic with law enforcement. Appellee makes disgusting and unevenced allegations without any factual foundation or evidence as exhibited in the transcript of October 7, 2024. Appellant testified on October 7, 2024 that Appellee had never spent a moment together

with Appellant's wife and had only met her once on December 4, 2020 at a Christmas fair where Appellee had a booth. Appellee fails to reference any factual errors, errors in the conclusion of law or any opposition in Appellant's claims of the Trial Court abuse of discretion. However, Appellant testified and evidenced on October 7, 2024 that he has had no contact with Appellee whatsoever. He provided the Trial court with Respondent's Exhibit "A" of phone records and a "cease and desist" text record to Appellee on October 7, 2024 hearing This evidence that Appellant wanted no contact or communication with Appellee. The Exhibits evidence this clearly, but, Appellant has not asked the Montana Supreme Court to re-try the facts of the case, just simply to review the legality of the trial court's absence of Appellant's evidence and witness testimony in its analysis and ruling. Appellee has clearly not put forth any sufficient defenses.

1. Were the facts in error or misrepresented? Appellee's Brief did not counter any claims of factual error by the Trial Court. Appellant alleged that the Trial Court misrepresented the facts by omission of credible testimony in the form of admissions by Appellee.

Appellant submitted that the Trial Court made errors in fact in the Protective Order when it stated that "Wardle created false online Facebook smear pages". This is an unevicenced statement by the Trial Court. Appellant provided by transcript, that no evaluation of any of the pages or its published content or material was reviewed for accuracy or falsity and therefore stating published material as "a false, smear website..." was an error in fact. The Trial Court and Appellee acknowledged that the published content was court documents, civil

cases, articles and opinions regarding the circumstances of Appellant's experience with Appellee Zimmerman.

2. Were the conclusions of law applied correctly? Appellee has failed to reference any specific testimony or material evidence by way of exhibit to counter Appellant's allegations of a violation of MCA 45-5-22 (3) the exemption whereby "*constitutionally protected activity*" was violated. Appellant put forth that the Trial Court violated his Constitutional liberties by applying Stalking statute MCA 45-5-220 to published material that both the Trial Court and the Appellee agreed had no language of threats and that was published, not sent directly or indirectly to the Appellee. Appellant and the Trial Court acknowledged that he presented evidence that Appellee had to "seek out" pages that referenced her court records, civil cases and Appellant's opinions of her activities and that it was not sent to her but was protected under Montana's Constitution, Article 2, Section 7 and the U.S. Constitution's 1st Amendment. Appellee admitted in her testimony that it was "*libel and Defamation*" "*to the exact Montana code*". Appellant has made claims of Slander in his civil suit DV-2024-674 as referenced in the testimony, this would be the proper judicial setting for Appellee to argue the published material as slander or make genuine counter claims. The Trial Court acknowledged as did the Appellee that there was "*no threat within the published material but the fact that it was published was the threat itself*". This is clearly a violation of Appellant's constitutional liberties "*to say and publish what he will on any subject, at any time*". Appellee has continuously shown in her testimony that she can make horrific and unsupported allegations that are completely and totally

unevidenced. Since she has yet made more false statements in her Response Brief, including stating that a family member has been granted a Protective Order, Appellant submits (*Exhibit "A"*), which is the Dismissal of June 19, 2025 and Lydia Baker's baseless Petition for a Protective Order. Gallatin County's docket # DR-2025-286. I urge the court to recognize that the smear campaign continues but when witnesses or evidence is requested or required to evidence the accusations, miraculously none seems available. This is not a new tactic. I would urge the Supreme Court to scrutinize Appellee's allegations because she has a criminal conviction for making false statements to law enforcement as evidenced by her 2006 conviction of False Reporting to law enforcement to incriminate another (*Exhibit "B"*).

3. Did the Trial Court abuse its discretion? Appellant submits that "yes", the Trial court abused its discretion by failing to follow MCP 52(a) when it failed to specifically state any factual findings of credible evidence under MCA 45-5-220 of a physical threat or the "Course of Conduct" required. Instead the Trial Court restated Appellee's general and non-specific allegations and contentions from the Petition for a Protective Order. Appellee provided credible admissions that she didn't have phone call logs or other evidence to support her claims and that *she didn't need them or any evidence as it was her word against Appellant's word*. The Trial Court ignored Appellant's credible evidence and factual findings evidencing he did not contact Appellee as she alleged. The court ignored a "Cease and Desist" text message (*Respondent's` Exhibit "A" in Appellant's Opening Brief*) that he sent to Appellee requesting she not communicate with him

and Appellant's phone call log. This biased the court's analysis. This was credible material evidence that was omitted which misrepresented the testimony, evidence and facts surrounding the Appellant's defenses. The Trial Court failed to reference any factual findings of credible evidence presented by Respondent in its analysis. Appellant submitted that leaving out such facts, exhibits and Appellee's admissions was misrepresenting the facts that should have been brought forth in the Trial Court's analysis and it was not. After simply restating Appellee's original unevicenced contentions, the Trial Court used the acknowledged, non threatening, published material on Appellant's own social media pages by its mere existence was the threat. I submit that the Trial Court merely restated the contentions and allegations of Appellee and failed to identify specific testimony or *specific factual findings* including, places, dates, times, material witnesses, physical evidence of any contact with Appellee either direct or indirect. There was no mention of "specific credible evidence" of stalking by the Trial Court in its analysis. In fact Appellant exhibited in his Brief that Appellee openly stated she didn't need phone records or other evidence and that it was her word against Appellant's. The Trial Court exceeded the bounds of reason when it ignored Respondent's phone and text evidence and Appellees admissions and instead simply restated Appellees allegations and contentions in the Protective Order dated November 8, 2025. Appellant has put forward During Appellant's direct testimony *Exhibit "A"* during the October 7th, 2024, Protective Order hearing, Appellant also testified that Appellee is currently a Defendant in a civil action brought by Appellant. Appellant testified that Appellee's Petition for a

Protective Order was filed and was *“unfounded, retaliatory and predatory”* (Transcript Page 82, lines 8-9). Appellant has also testified on October 7, 2024 that he has been attacked and smeared online and on social media by Appellee and as a result of the civil claims against both Appellee Jessica Zimmerman and step daughter, Lydia Baker. The October transcript will show “ Transcript (Page 81, Lines 6-21)“ *I will prove that since my return from Michigan, which was at the end of March 2024, Jessica Zimmerman, in coordination with my stepdaughter’s, the Bakers, and George Goldsmith have launched a financially motivated harassment, stalking and smear campaign against me and my business. Jessica Zimmerman’s smear campaign was born to cover up her fraud and theft of my personal property of over \$50,000, my pets in my breeding dogs. I allege she is doing this TRO to impair my ability to seek justice for the burglary of my personal property, my pets and my breeding dogs. I have exercised my first Amendment right to post Miss Zimmerman’s allegations and my claims against her. I have personal knowledge of those things.”*

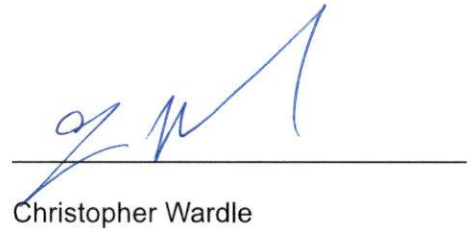
Appellee has misled the Supreme Court in her Brief. She claimed “family” i.e. Lydia Baker and referenced and granted a Temporary Protective Order in Appellee’s Response Brief. However, it should be noted that my step daughter, Lydia Baker had her Petition for a Protective Order dismissed, not granted. This is yet another misleading and false claim by Appellee. This false statement evidences that she is willing to make false claims both in the Trial Court and at the Supreme Court level. Because of the false smears Appellee is making in her Response Brief, claims that

cannot be "unseen or unread", Appellant is attaching Appellee's 2006 conviction for "making false reports to law enforcement to incriminate another". (*Exhibit "B"*). While this isn't a part of her original testimony, it is evidence that her statements whether in the Trial Court or the Supreme court should be scrutinized. As Appellant testified on October 7, 2024, both Jessica Zimmerman and Lydia Baker are Defendants in Appellant's civil suit and both are alleged to have burglarized Appellant's home and both now have filed Petitions for Protective Orders. The above testimony was not refuted in cross examination of Appellant in the October 7th, Protective Order hearing.

I urge the Supreme Court of Montana to first strike from the record Appellee's Response Brief because it contains no legal arguments or reference to testimony and instead is simply another tool to smear Appellant and then secondly rule to reverse the Trial Court's Protective Order dated November 8, 2024 because the analysis lacked factual finding or reference with any specificity, credible evidence of stalking and thirdly because it violates 45-5-220(3) and the constitutional exemption including the basic tenets of our Constitution. If not reversed it would mean that anyone could create make up unevidenced claims and take away the most basic civil liberties that the founders of our Constitution were so adamant to create and preserve. The protective liberties to publish opinions and disagreeable material is of course the entire reason for the freedom of speech. It wasn't created to publish material everyone agreed upon. It was created in part to counter narratives and challenge other opinions and information. Appellee has an avenue in civil litigation that was acknowledged by the Trial Court at the onset of the hearing. Appellee can counter such published material in a civil court

setting and the effects of any of that material if in fact any is false. Instead Appellee has used an unevidenced narrative and law enforcement to attack Appellant. It is not justice to be burglarized, smeared then when one who has been abused by the system and has no convictions, stands up for himself publicly, the burglar plays the victim and engages law enforcement to further deprive Appellant of his civil liberties. If not denied, wild unevidenced claims and allegations themselves would be the basis for punishment and repercussion and that applying the law incorrectly would impose significant constitutional deprivations for all Montanans.

Too many citizens in Gallatin County are being railroaded by accusations and unevidenced claims. Please deliver justice, as it seems to be in short supply lately in Gallatin County.

A handwritten signature in blue ink, appearing to read 'C. Wardle', is written above a horizontal line.

Christopher Wardle

Appellant, Pro Se

August 20, 2025

EXHIBIT LIST

Exhibit "A" - Dismissal of Lydia Baker's Protective Order

Exhibit "B" - Jessica George (Zimmerman's married name at time) 2006 Conviction for False

Reports to Law Enforcement to Incriminate Another Person

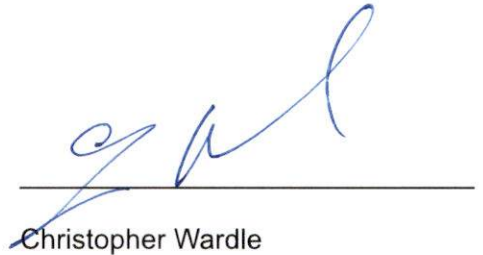
CERTIFICATE OF SERVICE

I certify I have filed this Reply to Appellee's Response Brief with the Clerk of the Montana Supreme Court and that I have mailed a copy via USPS First Class Service to the party of record below on this day August _____, 2025:

Jessica Zimmerman / Pro Se

414 Daisy Dean Ln

Wilsall, MT 59086



A handwritten signature in blue ink, appearing to read 'C. Wardle', is written over a horizontal line.

Christopher Wardle

Pro Se

August 20, 2025